

CONTACT LENS PURCHASE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires certain information to be communicated to a patient receiving a contact lens prescription.

Highlighted Provisions:

This bill:

- ▶ requires an optometrist or physician who is prescribing a contact lens to:
 - provide certain information to the patient during the patient consultation;
 - document certain information related to the patient interaction; and
 - include certain disclosures on the patient's prescription.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-16a-306, as last amended by Laws of Utah 2003, Chapter 270

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-16a-306** is amended to read:

58-16a-306. Contact lens prescription -- Qualifications.



(1) An optometrist or physician issuing a contact lens prescription shall:

(a) be licensed under this title to practice in Utah;

(b) ensure the final contact lens prescription is accurate;

(c) inform the patient that the patient may have options among several contact lens brands or manufacturers and ask the patient if the patient has a preference for a particular brand or manufacturer;

~~[(c)]~~ (d) present a written copy of the prescription to the patient after fitting; and

~~[(d)]~~ (e) provide a copy of the patient's contact lens prescription to a person who sells contact lenses upon the request of the patient or the person selling the contact lenses.

(2) An optometrist or physician may not be held liable as a result of providing a prescription to a patient as required by Subsection (1).

(3) Application of the provisions of this section shall be consistent with 45 C.F.R. Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.

(4) (a) If the patient requests a brand or manufacturer that the prescribing optometrist or physician determines is medically appropriate for the patient, the prescribing optometrist or physician shall offer the patient a prescription that includes the brand or manufacturer that the patient requests.

(b) The prescribing optometrist or physician may include alternative brands or manufacturers under Subsection (4)(a) on a single prescription.

(c) If the prescribing optometrist or physician determines that only a single brand or manufacturer is medically appropriate for the patient, the prescribing optometrist or physician shall document the reason for this medical judgment with sufficient detail to allow a qualified professional to review the medical judgment.

(d) The prescribing optometrist or physician shall:

(i) provide the documentation described in Subsection (4)(c) to the patient upon the patient's request; and

(ii) maintain the documentation described in Subsection (4)(c) for at least three years after the date of the patient encounter.

(5) (a) A prescription issued under this part shall include on the federally required acknowledgment of receipt of the contact lens prescription, or on the digital prescription if providing a digital prescription, a clear statement indicating that the patient:

59 (i) acknowledges that the prescriber informed them that the patient may have a choice
60 among several contact lens manufacturer brands, and the patient was asked if the patient had a
61 preference; and

62 (ii) received a list of any brands or manufacturers that the patient requested that were
63 not included on the patient's prescription.

64 (b) If a patient requests a discussion with the optometrist or physician under Subsection
65 (5)(a)(ii), the prescribing optometrist shall list all of the brands that the patient has requested on
66 the contact lens prescription.